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 2 within 14 days)

16 Attorneys for Plaintiff
 17 YUGA LABS, INC.

18 UNITED STATES DISTRICT COURT
 19 DISTRICT OF NEVADA
 20

21 YUGA LABS, INC.,

22 Plaintiff,

23 v.

24 RYDER RIPPS and JEREMY CAHEN,

25 Defendants.
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Case No.: 2:23-cv-00010-APG-NJK

[USDC, Central District of California
 Civil Case No. 2:22-cv-4355-JFW-JEM]

**YUGA LABS, INC.'S MOTION TO
 REDACT PORTIONS OF ITS MOTION
 TO COMPEL NON-PARTY RYAN
 HICKMAN'S COMPLIANCE WITH
 SUBPOENA AND DECLARATION OF
 KIMBERLY CULP IN SUPPORT
 THEREOF AND TO SEAL EXHIBIT P
 THERETO**

Yuga Labs, Inc. (Yuga Labs) hereby moves the Court for an order redacting its Motion to Compel Non-Party Ryan Hickman's Compliance with Subpoena ("Motion to Compel") and Declaration of Kimberly Culp in Support of Plaintiff Yuga Labs, Inc.'s Motion to Compel Non-Party Ryan Hickman's Compliance with Subpoena ("Culp Declaration"), filed concurrently herewith, and sealing Exhibit P thereto. Portions of the Motion to Compel, the Culp Declaration and Exhibit P thereto include confidential, non-public information designated Confidential under the Discovery Matter Stipulation and Protective Order ("Protective Order") entered on October 11, 2022 (ECF No. 51). In order to protect the confidentiality of the non-party's sensitive, non-public information, Yuga Labs seeks an order from the Court permitting the redaction of portions of the Motion to Compel and Culp Declaration and permitting the filing of Exhibit P under seal.

Dated: January 6, 2023

FENNEMORE CRAIG P.C.

By: /s/ John D. Tennert III
JOHN D. TENNERT III (NSB 11728)

and

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Attorneys for Plaintiff Yuga Labs, Inc.

MEMORANDUM OF POINTS AND AUTHORITIES

I. LEGAL STANDARD

Public “access to judicial records is not absolute.” *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006). There is a “strong presumption of access to judicial records” for dispositive pleadings, including motions for summary judgment. *Id.* at 1179. However, courts permit sealing a parties’ confidential, non-public information when “compelling reasons” of non-disclosure outweigh those favoring public access. *Id.* “Protective orders and filings under seal are the primary means by which the courts ensure full disclosure of relevant information, while still preserving the parties’ (and third parties’) legitimate expectation that confidential business information, proprietary technology and trade secrets will not be publicly disseminated.” *In re Adobe Sys. Inc. Secs. Litig.*, 141 F.R.D. 155, 161-62 (N.D. Cal. 1992) (citing *Johnson Controls, Inc. v. Phoenix Control Sys.*, 886 F.2d 1173, 1176 (9th Cir. 1989); *Henry Hope X-Ray Prods. Inc. v. Marron Carrel, Inc.*, 674 F.2d 1336, 1343 (9th Cir. 1982)).

II. ANALYSIS

Yuga Labs requests leave of this Court to redact portions of its Motion to Compel and Culp Declaration and seal Exhibit P thereto pursuant to the Protective Order. Section 2 of the Protective Order provides that, among other things, “commercial, financial, technical and/or proprietary information; [and] sensitive personal information” shall receive “[s]pecial protection from public disclosure or disclosure to competitors, and from use for any purpose other than prosecution of this action...” “Protected Material,” as defined by the Protective Order, consists of “[a]ny Disclosure or Discovery Material that is designated as ‘CONFIDENTIAL’ or ‘HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.’” Section 3 further provides that a party *or a nonparty* (emphasis added) to the action may designate information as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” Under Section 8 of the Protective Order, a party that receives Protected Material from a producing party may disclose such information in certain limited circumstances, including to “[t]he author or recipient of a document containing the information or a custodian or other person who otherwise

1 possessed or knew the information,” or during the depositions of persons when “(1) such
2 documents or information were authored by, addressed to, or received by such persons.” For
3 deposition transcripts, “the original and all copies of any transcript, in whole or in part, [shall] be
4 marked ‘CONFIDENTIAL’” by any party to the deposition to gain protection under the
5 Protective Order. Section 6.3(b) of the Protective Order states that: “This request may be made
6 orally during the proceeding or in writing within thirty (30) days of receipt of the transcript of
7 the proceeding.”

8 Here, a non-party to this Action produced designated material as “CONFIDENTIAL”
9 pursuant to Section 3 of the Protective Order in response to a subpoena served on them. This
10 Protected Material was disclosed at Ryan Hickman’s deposition, as permitted by Section 8 of the
11 Protective Order. Accordingly, Yuga Labs designated the deposition transcript as
12 “CONFIDENTIAL” to preserve the third-party subpoena respondent’s designation of his
13 documents as “CONFIDENTIAL.” The Motion to Compel and Culp Declaration cite to and
14 discuss excerpts from Ryan Hickman’s deposition transcript (Exhibit P). Therefore, good cause
15 exists to redact those portions of the Motion to Compel and Culp Declaration and to seal Exhibit
16 P at this time.

17 Based on the foregoing and good cause showing, Yuga Labs respectfully requests that
18 this Court allow it to file Exhibit P under seal and redact those portions of the Motion to Compel
19 and Culp Declaration that quote and/or reference information that has been designated as
20 “CONFIDENTIAL” under the Protective Order. Yuga Labs further requests that such
21 information remain sealed until further order of the Court.
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1 Dated: January 6, 2023

FENNEMORE CRAIG P.C.

2
3 By: /s/ John D. Tennert III
JOHN D. TENNERT III (NSB 11728)

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10 (Will comply with LR IA 11-2 within 14 days)
11 *Attorneys for Plaintiff Yuga Labs, Inc.*
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FENWICK & WEST LLP
ATTORNEYS AT LAW

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2023, I served a true and correct copy of the following documents via email and U.S. mail:

- YUGA LABS, INC.'S MOTION TO REDACT PORTIONS OF ITS MOTION TO COMPEL NON-PARTY RYAN HICKMAN'S COMPLIANCE WITH SUBPOENA AND DECLARATION OF KIMBERLY CULP IN SUPPORT THEREOF AND SEAL EXHIBIT P THERETO

addressed as follows:

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 An Employee of Fennemore Craig, P.C.